

Supervised Drug Consumption Facilities Bill

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Make provision about supervised drug consumption facilities; to make it lawful to take controlled substances within such facilities in specified circumstances; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Safe drug consumption facilities

- (1) For the purposes of this Act, “safe drug consumption facilities” are premises in which medical supervision will be provided for the lawful use of controlled substances.
- (2) “L” is any person employed in the facility by the relevant local body licensed to provide safe drug consumption facilities in accordance with section 2. 5
- (3) “U” is an authorised user of safe drug consumption facilities, authorised by “L” to use controlled substances in the facility within the terms of the licence.

2 Licence for provision of safe drug consumption facilities

- (1) Relevant local bodies may apply to the Secretary of State for a licence to provide safe drug consumption facilities. 10
- (2) Applications must include—
 - (a) information showing the fitness of the body’s personnel to operate the proposed facility;
 - (b) information about the suitability of the premises; and 15
 - (c) protocols for operation, governance and capacity of the proposed facility.
- (3) Before granting a licence, the Secretary of State shall consider—
 - (a) the experience and expertise of the personnel proposed to operate the facility; 20
 - (b) the advice of the prescribed NHS body as to the fitness of the premises and protocols; and

- (c) any available information about the population of injecting drug users, the number of drug-related deaths and the incidence of infection from discarded needles in the area proposed to be served by the facility.
- (4) The Secretary of State may refuse a licence if—
- (a) the application made under subsection (2) is incomplete; 5
 - (b) the prescribed NHS body advises that the premises or protocols are inadequate;
 - (c) the proposed location is not an area of need for safe drug consumption facilities.
- (5) The Secretary of State may by regulations make provision as to— 10
- (a) the duration, renewal, revocation, transfer, suspension or surrender of a licence;
 - (b) the conditions which may attach to a licence;
 - (c) the keeping of records, inspection of premises and protocols, and training of personnel deemed necessary for the proper operation of safe drug consumption facilities. 15
- (6) In this section, “the relevant local body” and “the prescribed NHS body” have the meaning prescribed by regulations made—
- (a) in relation to England, by the Secretary of State;
 - (b) in relation to Scotland, by the Scottish Ministers; 20
 - (c) in relation to Wales, by the Welsh Ministers;
 - (d) in relation to Northern Ireland, by the Health Department.
- 3 Amendments to the Misuse of Drugs Act 1971**
- (1) The Misuse of Drugs Act 1971 is amended as follows.
- (2) In section 4 (restriction of production and supply of controlled drugs), after subsection (3), insert— 25
- “(4) U and L shall be exempt from prosecution under subsection (1)(b) when acting in safe drug consumption facilities licensed under section 2 of the Safe Drug Consumption Facilities Act 2018 (licence for provision of safe drug consumption facilities) in accordance with the terms of the licence.” 30
- (3) In section 5 (restriction of possession of controlled drugs), after subsection (6), insert—
- “(7) U shall be exempt from prosecution under subsection (1) when acting in safe drug consumption facilities licensed under section 2 of the Safe Drug Consumption Facilities Act 2018 (licence for provision of safe drug consumption facilities) in accordance with the terms of the licence.” 35
- (4) In section 8 (occupiers etc of premises to be punishable for permitting certain activities to take place there)— 40
- (a) the existing text becomes subsection (1), and
 - (b) after subsection (1), insert—
- “(2) L shall be exempt from prosecution under subsection (1) when acting in safe drug consumption facilities licensed under section 2 of the Safe Drug Consumption Facilities Act 2018 (licence for 45

provision of safe drug consumption facilities) in accordance with the terms of the licence.”

- (5) In section 9 (prohibition of certain activities etc relating to opium) –
- (a) the existing text becomes subsection (1), and
 - (b) after subsection (1), insert – 5
 - “(2) U and L shall be exempt from prosecution under subsection (1) when acting in safe drug consumption facilities licensed under section 2 of the Safe Drug Consumption Facilities Act 2018 (licence for provision of safe drug consumption facilities) in accordance with the terms of the licence.” 10
- (6) In section 37 (interpretation), subsection (1) –
- (a) after “Parliament of Northern Ireland;”, insert – 15
 - ““L” is any person employed in the facility by the relevant local body licensed to provide safe drug consumption facilities in accordance with section 2 of the Safe Drug Consumption Facilities Act 2018;”
 - (b) after the second incidence of “corresponding meaning;”, insert – 20
 - ““safe drug consumption facilities” are premises in which medical supervision will be provided for the lawful use of controlled substances;” and
 - (c) after “made under section 2A(1);”, insert – 25
 - ““U” is an authorised user of safe drug consumption facilities, authorised by “L” to use controlled substances in the facility within the terms of the licence;”.
- 4 Annual report** 25
- (1) The Secretary of State shall, no later than 15 months after the day on which this Act is passed, and every 12 months thereafter, lay before each House of Parliament a report on –
- (a) the number of drug-related deaths for that year;
 - (b) the incidence of on-street drug injecting for that year; 30
 - (c) the incidence of infection by discarded needles for that year; and
 - (d) the effect on the matters reported on in accordance with paragraphs (a) to (c) of the licensing of safe drug consumption facilities.
- (2) The Secretary of State shall, before completing this report, consult – 35
- (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Northern Ireland Department of Health
- on the matters listed in subsection (1).
- 5 Regulations**
- (1) Regulations under section 2(5) and 2(6) of this Act are to be made by statutory instrument. 40
- (2) A statutory instrument containing regulations under section 2(5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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- (3) A statutory instrument made by the Secretary of State containing regulations under section 2(6) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations made by the Scottish Ministers under section 2(6) of this Act are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010). 5
- (5) Regulations made by the Welsh Ministers under section 2(6) this Act are subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (6) Regulations made by the Northern Ireland Department of Health under section 2(6) of this Act are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954. 10
- 6 Financial provisions**
- There is to be paid out of money provided by Parliament –*
- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and* 15
- (b) *any increase attributable to the Act in the sums payable under any other Act out of money so provided.*
- 7 Extent, commencement and short title**
- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 20
- (2) This Act (other than sections 2, 6 and this section) comes into force at the end of the period of twelve months beginning with the day on which this Act is passed.
- (3) Sections 2, 6 and this section come into force two months after the day on which this Act is passed. 25
- (4) This Act may be cited as the Safe Drug Consumption Facilities Act 2018.

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To make provision about supervised drug consumption facilities; to make it lawful to take controlled substances within such facilities in specified circumstances; and for connected purposes.

*Ordered to be brought in by Alison Thewliss,
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